



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

SEP 14 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

SE-5J/OPRS-SPCC  
09-4-065

Mr. Aaron Potts  
EH&S Manager  
Olympic Oil  
5000 West 41<sup>st</sup> Street  
Cicero, Illinois 60804

Dear Mr. Potts:

An inspection of your facility on August 4, 2009, indicated that your Spill Prevention, Control and Countermeasure ("SPCC") Plan does not address the requirements of Title 40, Part 112 of the Code of Federal Regulations ("40 C.F.R. Part 112"). The deficiencies of your facility's Plan are listed in Attachment A to this letter.

Pursuant to Section 311(b) of the Clean Water Act, as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1321(b), violations of the SPCC regulations, contained at 40 C.F.R. Part 112, subject owners and operators of a facility to administrative civil penalties of up to \$16,000 per day (up to a maximum of \$177,500) or judicial civil penalties of up to \$37,500 per day. The actual penalty assessed will depend upon several factors including ability to pay.

**Olympic Oil**, must take prompt action to correct the violations and come into compliance with the SPCC regulation. U.S. EPA requests, pursuant to Sections 311(m) and 308(a) of the Clean Water Act, 33 U.S.C. §§ 1321(m) and 1318(a), that you provide responses to Attachment A (which specifies information which the facility must submit for each violation) **within thirty (30) calendar days** from the date of receipt of this letter.

These materials should be sent to:

U.S. Environmental Protection Agency  
Emergency Response Branch (SE-5J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
Attn: Dr. Shitien Yang, SPCC Inspector Grantee

All materials submitted must be accompanied by a certification that all materials and all statements submitted by your facility are true and accurate to the best of the signatory's knowledge and belief. This certification must be notarized and signed by an authorized official of your facility.

The SPCC plan and all subsequent amendments must be reviewed and certified by a registered Professional Engineer who is familiar with the facility and with 40 C.F.R. Part 112. The engineer's name, registration number, State of registration, date of certification and seal must be included as part of the Plan.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Part 35. The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

Please note that revisions to the SPCC regulation were published in the Federal Register on July 17, 2002. U.S. EPA extended the date for compliance with the revised parts of the regulation to November 10, 2010. However, the violations listed herein for your facility were not requirements that had been revised. Since your facility was not in compliance at the time of your inspection and you are currently in violation of the regulation, you do not qualify for the extension of the deadline. You must submit a response to Attachment A to the U.S. EPA within thirty (30) calendar days of receipt of this notification.

If U.S. EPA does not receive an adequate response from your facility, it will be required to review its enforcement options. If you have any questions, please feel free to contact Dr. Shitien Yang, SPCC Inspector Grantee, at (312) 886-0850.

Sincerely,



Jason H. El-Zein, Chief  
Emergency Response Branch #1

Attachments: Attachment A

cc: Illinois Environmental Protection Agency

## ATTACHMENT A

### VIOLATIONS OF THE SPCC REGULATION IDENTIFIED DURING INSPECTION / PLAN REVIEW

- **Failure to Have Facility's SPCC Plan Certified by a Registered Professional Engineer (P.E.) [40 C.F.R. 112.3 (d) (1)&(2)]**: Submit an SPCC plan certified by a registered P.E., signed and dated by the P.E., bearing a certification statement, including his/her registration number, state of registration, and seal.

*\*The date of P.E. certification is clearly in error. It precedes the Plan date by more than 6 years. Please correct this deficiency in the revised Plan.\**

- **Inadequate SPCC Plan (40 C.F.R. 112.7 & 112.8)**: Submit a revised SPCC Plan which appropriately and adequately addresses the identified deficiencies. If unable to provide an adequate SPCC Plan within 30 days, then submit a **detailed schedule** which indicates when the SPCC Plan will be revised and when implementation of the revised plan will be completed. Within the time frame set forth in that schedule, your facility must submit the revised SPCC Plan and implementation information.

#### THE SPECIFIC DEFICIENCIES WHICH MUST BE ADDRESSED ARE AS FOLLOWS:

#### 40 C.F.R. Part 112.7 - General requirements for Spill Prevention, Control and Countermeasure Plans

##### (h) Facility Tank Truck Loading/Unloading Rack.

- (h) (1) Failure to provide a quick drainage system with a containment volume greater than the largest compartment of any tank car or truck where drainage does not flow into a catchment basin or a treatment facility.

*\*The containment provided for various unloading areas may not be enough to prevent a discharge from your facility. Please make the necessary correction to come into compliance with the regulation. If you are unable to correct the deficiency and submit a revised and re-certified SPCC Plan within 30 days, please submit a detailed schedule which indicates what will be done to correct the violations, when these actions will take place, deadlines for all work to be completed and when the SPCC Plan will be revised. Also include a list of interim preventive measures indicating how you will prevent or control a discharge in this time period when your facility is out of compliance with the regulation.\**

**112.8 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities).**

**(c) Bulk Storage Containers**

- (c) (10)** Failure to promptly correct visual oil leaks from tanks and related equipment.

*\*Not stated in Plan. During the site visit, there were many places where oil seepage and grease was found around pumps, valves, and underneath the railcar and truck unloading racks. Please describe how these areas will be cleaned up immediately and what practices/procedures will be instituted to prevent future housekeeping problems.\**



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EH&S Manager  
Olympic Oil  
5000 West 41<sup>st</sup> Street  
Cicero, Illinois 60804

Dear Mr. Potts:

Based on our inspection of your facility and subsequent information that you have provided to us, it appears at this time that your facility has satisfied the minimum requirements of the Code of Federal Regulations (CFR), Title 40, Part 112. Follow-up inspections may be conducted at any time to ensure continued compliance.

Please note that revisions to the SPCC regulation were published in the Federal Register on July 17, 2002. U.S. EPA further amended the regulation to extend the date for compliance with the requirements of Part 112.3 of the regulation to allow facility owners sufficient time to undertake the actions necessary to prepare and update their plans. The compliance date for both Plan amendment and implementation has been extended to November 10, 2010. Facilities that start operations between August 16, 2002 and November 10, 2010, must prepare and implement an SPCC Plan by November 10, 2010.

We would like to remind you that the facility's plan should be reviewed every 5 years. Any material changes made in the facility's design, construction, operation or maintenance which affect the facility's ability to store or discharge oil into navigable waters of the United States, should be amended in the SPCC plan within six (6) months of completion and certified by a registered Professional Engineer (PE).

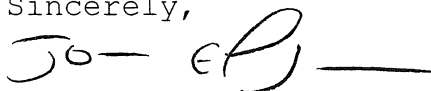
Pursuant to Section 311(b) of the Clean Water Act, as amended by the Oil Pollution Act of 1990, 33 U.S.C., Sections 1321(b), violations of the SPCC regulations, contained at 40 C.F.R. Part 112, subject owners and operators of a facility to administrative

-2-

civil penalties of \$16,000 per day (up to a maximum of \$177,500) or judicial civil penalties of up to \$37,500 per day. The actual penalty assessed will depend upon several factors including ability to pay.

If you have any questions, feel free to contact Dr. Shitien Yang, SPCC Inspector Grantee, at 312-886-0850.

Sincerely,

A handwritten signature in black ink, appearing to read "Jo- El-Zein", followed by a horizontal line.

Jason H. El-Zein, Chief  
Emergency Response Branch #1

cc: Illinois Environmental Protection Agency